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I hereby certify that this correspondence is being deposited with the United States Post Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on March 12, 2003 by John A. Caccov

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

PATENT APPLICATION

Inventor Fabio M. Chiussi
Kevin D. Drucker
Andrea Francini
Case 22-1-10
Serial No. 10/010,582 Group Art Unit
Filing Date Nov. 13, 2001
Examiner Not Yet Assigned
Title METHOD AND APPARATUS FOR INTEGRATING
GUARANTEED-BANDWIDTH AND BEST-EFFORT
TRAFFIC IN A PACKET NETWORK

THE COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231

SIR:

**PETITION UNDER 37 CFR 1.137(B)
TO REVIVE AN ABANDONED APPLICATION**

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Applicant hereby petitions, through his attorney of record, that the above-captioned application be restored to the pending files and that the abandonment be held to have been unintentional.

The facts and circumstances surrounding the inadvertent abandonment of the subject application is as follows:

1. The subject application was filed without the Declaration and Power of Attorney.
2. A Filing Receipt dated 1/07/02 was received that included a Notice to File Missing Parts (Attachment A). This Notice requested the missing Oath or Declaration under 37 CFR 1.53(b).
3. The failure to respond to the Notice to File Missing Parts was due to a misinterpretation and misfiling of the Filing Receipt. This misinterpretation and misfiling of the Filing Receipt was caused by unintentional oversight and inadvertent error.
4. On Feb. 25, 2003, Applicant's attorney called Ms. Doshie Day, supervisor, Initial Examination Group, to check on the status of the subject application.


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01 FC:1453

5. Supervisor Ms. Doshie Day, after determining that the subject application had gone abandoned, suggested that Applicant's attorney should file a Petition to Revive when the formal Notice of Abandonment (Attachment B) is received.
6. The Notice of Abandonment, dated Feb. 27, 2003, was received on March 4, 2003.
7. For completeness of this Petition, the missing original Declaration and Power of Attorney (the lack of which resulted in the Notice of Abandonment) is submitted herewith. An original Assignment and Agreement for the subject application is also filed herewith.
8. An Affidavit by the attorney of record is further submitted in support of the unintentional abandonment of the subject application.

It is respectfully requested that the instant Petition be granted and that the subject application bearing Serial No. 10/010,582 be restored to the pending files and that the submitted original Declaration and Power of Attorney and original Assignment and Agreement for the subject application be accepted.

Respectfully,

Fabio M. Chiussi
Kevin D. Drucker
Andrea Francini

By 
John A. Caccuro, Attorney
Reg. No. 28592
Attorney for Applicant

Date: March 12, 2003



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THE COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231

SIR:

AFFIDAVIT

State of New Jersey)
) ss. :
County of Monmouth)

John A. Caccuro, being duly sworn, deposes and says that he is a registered patent attorney (No. 28592) and the attorney of record for the above-captioned application and that:

1. He prepared the accompanying Petition to revive an abandoned application under 37 CFR 1.137(b) and believes the facts and circumstances set forth are true to the best of his knowledge and belief; and
2. That the abandonment of the subject application was unintentional.

Further affiant sayeth not.

John A. Caccuro

Sworn to and subscribed before
me this 12th day of MARCH 2003.

SHARON L. LOBOSCO
Notary Public, State of New Jersey
No. 2278076
Qualified in Ocean County
Commission Expires August 14, 2006

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Attachment A



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MAR 17 2003

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/010,582 | 11/13/2001 | Fabio M. Chiussi | 22-1-10 |

CONFIRMATION NO. 4341

FORMALITIES LETTER



OC000000007274989

John A. Caccuro
9 Ladwood Drive
Holmdel, NJ 07733

Date Mailed: 01/07/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Kevin D. Drucker
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

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MAR 18 2003

OFFICE OF PETITIONS

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Attachment B



MAR 17 2003

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

| APPLICATION NUMBER | FILED OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|----------------------|-----------------------|------------------------|
| 10/010,582 | 11/13/2001 | Fabio M. Chiussi | 22-1-10 |

CONFIRMATION NO. 4341

ABANDONMENT/TERMINATION
LETTER

OC000000009575406

John A. Caccuro
9 Ladwood Drive
Holmdel, NJ 07733

Date Mailed: 02/27/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/07/2002.

- No reply was received.


A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

A copy of this notice MUST be returned with the reply.


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE